

REMARKS

This is in response to the Office Action dated October 17, 2005. In that Office Action, the Examiner objected to Claim 5 because of an improper claim label. In addition, the Examiner rejected Claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner also rejected Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by United States Patent 2,609,716 to Forman.

Applicant has amended the application and respectfully asserts that the application is now in condition for allowance.

1. **The Claim Label to Claim 5 has been Corrected.**

Claim 5 was objected to by the Examiner because it was inadvertently labeled as "original" after it had previously been withdrawn. The label has been amended to "withdrawn".

2. **Claim 1 has been Amended to Overcome the 35 USC § 112 Rejection.**

In the latest Office Action, the Examiner stated that Claim 1 previously recited the limitation "said second panel member". There was insufficient antecedent basis for such a limitation. Claim 1 has been amended to state "said second elongate housing portion" which has sufficient antecedent basis.

3. **The Forman Reference Does Not Disclose a "Cutting Element Having a Generally Linear Cutting Edge".**

As is discussed in detail below, applicant respectfully asserts that the Forman reference does not teach, suggest, or show a cutting element having a generally linear cutting edge.

By this amendment, Applicant has amended independent Claim 1 in order to more particularly point out and distinctly claim aspects of his invention. More particularly, Claim 1

has been amended so as to include a cutting element having a generally linear cutting edge. Figures 2 and 3 of the patent application show cutting edges 28, 30 as being straight.

Applicant respectfully submits that amended Claim 1 is not anticipated by the Forman patent. Specifically, the Forman patent does not disclose a cutting element having a linear cutting edge. Instead, the Forman patent discloses a wire insulation stripper having V-shaped shearing surfaces, or V-shaped edges. (col. 1, line 23; col. 2, line 6). Figures 1, 2, and 5 of the Forman patent further disclose the V-shaped edges.

Indeed, the Forman patent discloses an insulation wire stripper that uses “jaws” that are designed to coact ensuring a relationship to thus axially sheer insulation off a wire. (col. 1, lines 6-12; col.2, lines 7-16). Such configuration is completely incapable of being advanced through tissue, and much less advanced through tissue in a manner that is operative to slice through and harvest a discreet segment of tissue, as is accomplished by the present invention. Such limitations are clearly illustrated in Figure 1 of the Forman patent which depicts the opposed jaws 12, 12' which cooperatively define a blunt surface that could not in any manner be advanced through and slice a segment of tissue to be harvested.

On the basis of the foregoing, Applicant respectfully submits that independent Claim 1 is not anticipated by the Forman patent and is in condition for allowance, as are Claims 2-4 as being dependent on Claim 1.

4. Conclusion

Applicant respectfully submits that the stated grounds of rejection have been overcome, and that Claims 1-4 are now in condition for allowance.


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If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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